

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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**UNITED STATES OF AMERICA,**

Case No. 2:15-CR-219 JCM (VCF)

**Plaintiff(s),**

## ORDER

V.

JONATHAN PHILIP MOSZ,

**Defendant(s).**

Presently before the court is defendant Johnathan Philip Mosz's motion to amend judgment. (ECF No. 51). The government filed a response. (ECF No. 53). Defendant did not file a reply and the time to do so has passed.

On December 5, 2016, the court sentenced defendant to seventy-seven months of custody to be followed by three years of supervised release for being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g) and 924(a)(2). (ECF No. 44).

On October 19, 2018, defendant filed a motion requesting that the court recommend the Bureau of Prisons (“BOP”) to allow him to spend the final months of his sentence in a residential re-entry center. (ECF No. 46). On May 21, 2019, the court granted defendant’s motion and issued a non-binding recommendation to place defendant in a residential re-entry center. (ECF No. 49). Now, defendant requests that the court enter its non-binding judicial recommendation as an order or judgment. (ECF No. 51).

Courts can modify judgments only upon mandate from a court of appeals or pursuant to Rule 35. *United States v. Ceballos*, 671 F.3d 852, 856 (9th Cir. 2011). Here, the Ninth Circuit has not ordered this court to resentence defendant and the fourteen-day time period to amend judgment pursuant to Rule 35 has elapsed. Therefore, because the court does not have authority

1 to modify the judgment consistent with its non-binding judicial recommendation, the court will  
2 deny defendant's motion.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to  
5 amend judgment (ECF No. 51) be, and the same hereby is, DENIED.

6 DATED June 28, 2019.

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8 UNITED STATES DISTRICT JUDGE

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